

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA, )  
                                  )  
                                  )  
Plaintiff,                    )  
                                  )  
                                  )  
v.                             )  
                                  )  
JOHN RAY WILSON,            )  
                                  )  
                                  )  
Defendant.                    )  
                                  )  
\_\_\_\_\_

4:05CR3013

MEMORANDUM AND ORDER

A hearing was held before me this date on the plaintiff's motion to set trial. I received in evidence a letter from defendant's treating physician, and it will be filed under seal. On the basis of the evidence and the statements and agreements of counsel,

IT IS ORDERED, The plaintiff's motion, filing 21, is granted in part, and

1. The defendant is found capable of standing trial.
2. On the representation that the defendant wishes to enter a plea of guilty, this case, insofar as it concerns this defendant, is removed from the trial docket.
  - a. A hearing on the defendant's anticipated plea of guilty is scheduled before the undersigned on the 26<sup>th</sup> day of September, 2005, at the hour of 4:00 p.m., in Courtroom No. 2, United States Courthouse and Federal Building, 100 Centennial Mall North, Lincoln, Nebraska.
  - b. On or before the date set for the plea proceeding, counsel for plaintiff and for defendant shall provide to the assigned probation officer their respective versions of the offense for purposes of preparing the presentence investigation report.
3. The defendant having waived his right to a speedy trial for the period of September 16, 2005 to September 26, 2005, that

period of time shall be excluded from any calculation of days under the Speedy Trial Act, 18 U.S.C. 3161.

4. That part of the motion, filing 21, requesting exclusion of time under the Speedy Trial Act, is deferred for consideration following the defendant's change of plea, if then a determination must be made.

5. The clerk shall file the letter of Joseph R. Gard, M.D., FACC, under seal.

DATED this 16<sup>th</sup> day of September, 2005.

BY THE COURT:

s/ *David L. Piester*  
David L. Piester  
United States Magistrate Judge